

REMARKS

In the Office Action mailed June 20, 2005, claims 14-16 and 27-29 stand rejected under 35 USC 112, second paragraph as being indefinite. Applicant Claims 3-4, 10 and 15-17 stand rejected under 35 USC §102(b) as being anticipated by Yourgalite et al (U.S. Patent 5,005,335). Claims 5-9, 18-23 and 38-29 stand rejected under 35 USC §103(a) as being unpatentable over Yourgalite in view of Applicants Admitted Prior Art. Claims 12-14 and 25-27 stand rejected under 35 USC §103(a) as being unpatentable over Yourgalite in view of Milholen et al. (U.S. Patent 3,992,049). Claims 11 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Yourgalite further in view of Kintgen et al. (U.S. Patent 4,271,755). In the amendment presented above, Applicant has amended the claims to more particularly define the present invention. The amendment also addresses the issues presented in the 112, second paragraph rejection. Applicant respectfully submits that the amended claims are neither taught nor suggested by the prior art.

Claim 3 as amended recites, *inter alia*,

... said lifting and transporting applying opposed clamping forces to at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another.

Nowhere does the prior art teach or suggest these features.

More particularly, the robotic palletizer of Yourgalite employs a computer-controlled grasping mechanism 36 to lift a linear set of boxes 34 and transfer the linear set of boxes to a pallet 32 for building a palletized load. (FIG. 1 and Col. 3, lines 37 - col. 4, line 65). After the building of the palletized load is complete, the palletized load is automatically wrapped in a plastic film. Col. 4, lines 65 to Col. 9, line 65. When the wrapping operation is complete, the wrapped palletized load can be transported. Col. 10, lines 3-5. As pointed to by the Examiner, Col. 1, lines 45-50 of Yourgalite does mention that the pattern of boxes in the palletized load can be cross-stacked. However, the claims of the present invention recite that lifting and transporting is accomplished by **"applying opposed clamping forces to at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another."** Nowhere does Yourgalite teach or suggest these features. In particular, the grasping mechanism 36 of Yourgalite applies clamping forces to a linear set of boxes - not a cross-stacked configuration. Importantly, the grasping mechanism 36 of Yourgalite does not provide adequate support to the cross-stacked configuration and is prone to roll-out as depicted in FIG. 1C of the present application. The present invention addresses this problem by applying clamping forces and preventing bags disposed side-by-side in said cross-stacked configuration from sliding past one another as recited in the claim.

The systems described in Milholen et al. and Kintgen et al. fail to address the shortcomings of Yourgalite et al. as set forth above. More particularly, the brick stacking machine of Milholen and the bag handling apparatus of Kintgen have nothing to do with

the application of clamping forces to at least one group of elongate bags having a cross-stacked configuration as recited in the claim.

As set forth above, the prior art fails to teach or suggest important features of claim 1. For these reasons, it is respectfully submitted that claim 1 is patentable over the prior art. Similar arguments apply to independent claims 17 and 30.

It is respectfully submitted that the dependent claims 4-16, 18-29, and 31-35 are patentable over the prior art for those reasons advanced above with respect to independent claims 1, 17 and 30 from which they respectfully depend and for reciting additional features neither taught nor suggested by the prior art.

For example, claims 12, 25 and 32 recite "a stacker machine having a moveable stacker head ... and at least one support structure that is operably disposed between bags disposed side-by-side in said cross-stacked configuration to prevent such bags from sliding past one another." Nowhere does the prior art teach or suggest these features.

In another example, claims 15, 28 and 35 recite "a lift truck having ... a central support bar laterally disposed between said two clamp members for preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another." Nowhere does the prior art teach or suggest these features.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay P. Sbrrollini". The signature is fluid and cursive, with the first name "Jay" being prominent.

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